



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

May 15, 2015
System No.: 1503275

Mr. Dave Szefflin, V.P. Operations
Paramount Farms – King Facility
13646 Highway 33
Lost Hills, CA 93249

**RE: Paramount Farms-King Facility – System No. 1503275
Compliance Order No. 03-12-15R-006**

Dear Mr. Szefflin:

The State Water Resources Control Board – Division of Drinking Water (Division) has issued Compliance Order No. 03-12-15R-006, for violation of the Stage 2 Disinfection Byproduct Rule Total Trihalomethanes Maximum Contaminant Level (TTHM MCL) to the Paramount Farms-King Facility (Water System). The compliance order is enclosed.

The Water System will be billed at the Division's hourly rate (currently estimated at \$126.00) for the time spent on issuing this Compliance Order. The California Health and Safety Code Section 116577 provides that a public water system must reimburse the Division for actual costs incurred by the Division for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a compliance order. At this time, the Division has spent approximately two hours on enforcement activities associated with this violation.

If you have any questions regarding this matter, please contact me at (559) 447-3300 or Cristina Knudsen at (559) 447-3317.

Sincerely,

Tricia A. Wathen, P.E.
Senior Sanitary Engineer, Visalia District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

TAW/CNK
Enclosures: Compliance Order & Attachments

cc: Kern County Environmental Health Department

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TO: Mr. Dave Szefflin, VP Operations
Paramount Farms – King Facility
919 Skyline Boulevard
Avenal, CA 93204

**FOR NONCOMPLIANCE WITH THE
STAGE 2 DISINFECTION BYPRODUCT RULE
MAXIMUM CONTAMINANT LEVELS FOR
TOTAL TRIHALOMETHANES
SECTION 64533(a), TITLE 22, CALIFORNIA CODE OF REGULATIONS**

Issued on May 15, 2015

Section 116655 of the California Health and Safety Code authorizes the issuance of a compliance order to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter “California SDWA”), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board (hereinafter “State Board”), acting by and through its Division of Drinking Water (hereinafter “Division”) and the Deputy Director for the Division (hereinafter “Deputy Director”), hereby issues a compliance order to

Paramount Farms – King Facility (hereinafter “Water System”) for violation of California Code of Regulations (hereinafter “CCR”), Section 64533(a), Maximum Contaminant Levels for Disinfection Byproducts.

APPLICABLE AUTHORITIES

Section 116655, California SDWA, states in relevant part:

(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the department.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

Section 64533(a), Title 22, CCR, states in relevant part:

(a) Using the monitoring and calculation methods specified in Sections 64534, 64534.2, 64535, and 64535.2, the primary MCLs for the disinfection byproducts shown in Table 64533-A shall not be exceeded in drinking water supplied to the public.

Table 64533-A
Maximum Contaminant Levels and Detection Limits for Purposes of Reporting
Disinfection Byproducts

Disinfection Byproduct	Maximum Contaminant Level (mg/L)	Detection Limit for Purposes of Reporting (mg/L)
Total trihalomethanes (TTHM)	0.080	
Bromodichloromethane		0.0010
Bromoform		0.0010
Chloroform		0.0010
Dibromochloromethane		0.0010
Haloacetic acids (five) (HAA5)	0.060	
Monochloroacetic Acid		0.0020
Dichloroacetic Acid		0.0010
Trichloroacetic Acid		0.0010
Monobromoacetic Acid		0.0010
Dibromoacetic Acid		0.0010
Bromate	0.010	0.0050
Chlorite	1.0	0.020

Additional *Applicable Authorities* are located in Attachment A, which is attached hereto and incorporated by reference.

STATEMENT OF FACTS

Paramount Farms – King Facility (Water System) is classified as a nontransient noncommunity water system. The Water System uses treated water to process pistachios and almonds. It also serves a population of approximately one hundred fifty seven (157) transient, and one hundred and ten nontransient individuals (110) through one (1) service connection. The only source of supply for the Water System is surface water from the California Aqueduct purchased from and delivered by the Berrenda Mesa Water Storage District (hereafter “Storage District”). A line from the Storage District delivers raw water to the surface water treatment plant (SWTP) at King Facility, wherein the point of entry to the Water System is referred to as the Lost Hills Canal (PS Code 1503275-003).

1 The Water System provides conventional filtration treatment through one treatment plant.
2 The maximum permitted flow rate for the SWTP is 0.12 MGD or 80 gpm. The treatment
3 consists of coagulation, clarification, filtration, carbon adsorption, post chlorination, and
4 clearwell storage for inactivation of giardia and viruses. There are two 20,000-gallon steel
5 storage tanks onsite which provide chlorine contact time for effective disinfection of water
6 before delivery through the distribution piping. The Water System operates under the
7 authority of a domestic water supply permit No. 03-19-12P-008, issued on August 3, 2012,
8 by the California Department of Public Health.

9 CCR, Title 22, Chapter 15.5 (hereinafter “Stage 2 Disinfection Byproduct Rule” or
10 “S2DBPR”) adopted by California, effective June 21, 2012, requires water systems to
11 monitor and report disinfection byproduct and residual disinfectant levels. The S2DBPR
12 applies to any community or nontransient noncommunity water system that treats water
13 with a chemical disinfectant in any part of the treatment process or that provides water
14 containing a chemical disinfectant. CCR Section 64533 establishes a maximum
15 contaminant level (hereinafter “MCL”) in drinking water for total trihalomethanes
16 (hereinafter “TTHM”) and haloacetic acids (five) (hereinafter “HAA5”) in drinking water
17 of 0.080 mg/L and 0.060 mg/L, respectively.
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21 CCR, Section 64535.2(e)(1), specifies ongoing compliance determinations for quarterly
22 TTHM and HAA5 monitoring; specifically, compliance with the TTHM and HAA5 MCLs
23 is based on a locational running annual average (LRAA), computed quarterly, at each
24 approved sample site. The Water System is required to collect one (1) TTHM sample and
25 one (1) HAA5 sample at the location listed in the Water System’s approved S2DBPR plan.
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The Water System's approved S2DBPR sample site is: ST2S1-Bld3-10429 Kings Road (Building 3, Employee Breakroom).

The Building 3 (Employee Breakroom) site is in violation of the S2DBPR. A summary of the Water System's recent TTHM and HAA5 monitoring is presented in the tables below.

**Table 1: Stage 2 DBPR Sample Site Results
ST2S1-Bld 3-10429 Kings Road**

Sample Quarter	TTHM (mg/L)	HAA5 (mg/L)
	MCL	
	0.080	0.060
1 st , 2013	0.048	0.016
2 nd , 2014	0.036	0.009
3 rd , 2014	0.029	0.001
4 th , 2014	0.097	0.013
1 st , 2015	0.160	0.012
4Q 2015 LRAA	0.081*	0.009
*Exceeds MCL		

Section 64463.4 requires public notification to the Division and consumers of a water system whenever any violation of the MCL occurs. Notification to the Division is required by the end of the business day on which the violation has been determined. If the Division is closed, notification shall be within 24 hours of the determination. The Division was notified in accordance with the above-referenced section on March 22, 2015.

DETERMINATIONS

Based on the above Statement of Facts, the Division has determined that the Water System has violated the LRAA MCL for TTHM during the first quarter of 2015, as shown in Table 1 above.

DIRECTIVES

To ensure that the water supplied by the Water System is at all times safe, wholesome, healthful, and potable, and pursuant to the California SDWA, Water System is hereby directed to take the following actions:

1. Comply with CCR, Title 22, Section 64533(a) in future monitoring periods after conducting upgrades of the treatment facility and treatment operations.
2. Provide quarterly public notification of its inability to meet the TTHM MCL during any calendar quarter that the four-quarter locational running annual average exceeds the TTHM MCL. Notification procedures and format are provided in Attachment B. An electronic version of Attachment B is available upon request.
3. Proof of public notification shall be provided to the Division following each quarterly notification by the 10th day of the month following notification, using the form provided as Attachment C.
4. Continue to collect quarterly samples for TTHM's and HAA5's from the distribution system in accordance with an approved DBP monitoring plan. The analytical results shall be reported to the Division electronically by the analyzing laboratory no later than the 10th day following the month in which the analysis was completed.

5. Prepare a Corrective Action Plan identifying improvements to the water system designed to correct the water quality problem (violation of the TTHM MCL) and eliminate the need to deliver water to consumers that does not meet primary drinking water standards. The plan shall include a time schedule for completion of various phases of the project such as design, construction, and startup.
6. Present the Corrective Action Plan required under Directive No. 5, above, to the Division in an office meeting no later than **June 15, 2015**.
7. Submit quarterly progress reports to the Division. The first quarterly progress report shall describe progress made in the first quarter of 2015 and shall be submitted to the Division by **July 10, 2015** using the form provided as Attachment D.
8. Operate the existing water system to minimize formation of total trihalomethanes and haloacetic acids in the distribution system.
9. Submit a written response by **May 30, 2015** indicating its willingness to comply with the directives of this Compliance Order.
10. By no later than **May 15, 2017**, achieve compliance with the total trihalomethanes maximum contaminant level, with the completion of a project and demonstration that the locational running annual average is reliably less than the MCL. The Water System shall provide written notification of the date that compliance is achieved, no later than ten days following receipt of the laboratory sampling results.

All submittals required by this Order shall be addressed to:

Tricia A. Wathen, P.E.,
Senior Sanitary Engineer – Visalia District
State Water Resources Control Board
Division of Drinking Water
265 W. Bullard Avenue, Suite 101
Fresno, CA 93704

The Division reserves the right to make such modifications to this Order as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Order and shall be effective upon issuance. Nothing in this Compliance Order relieves Water System of its obligation to meet the requirements of the California SDWA, or any regulation, standard, permit or order issued thereunder.

If the Water System is unable to perform the tasks specified in this Order for any reason, whether within or beyond its control, and if the Water System notifies the Division in writing no less than five days in advance of the due date, the Division may extend the time for performance if the Water System demonstrates that it has used its best efforts to comply with the schedule and other requirements of this Order.

PARTIES BOUND

This Compliance Order shall apply to and be binding upon the Paramount Farms – King Facility Water System, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

1 **SEVERABILITY**


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4 The directives of this Compliance Order are severable, and Water System shall comply with
5 each and every provision thereof notwithstanding the effectiveness of any provision.
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7 **FURTHER ENFORCEMENT ACTION**

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9 The California SDWA authorizes the Division to issue citations and compliance orders with
10 assessment of administrative penalties to a public water system for violation or continued
11 violation of the requirements of the California SDWA or any permit, regulation, permit or
12 order issued or adopted thereunder including, but not limited to, failure to correct a violation
13 identified in a citation or compliance order. The California SDWA also authorizes the
14 Division to take action to suspend or revoke a permit that has been issued to a public water
15 system if the system has violated applicable law or regulations or has failed to comply with
16 an order of the Division; and to petition the superior court to take various enforcement
17 measures against a public water system that has failed to comply with an order of the
18 Division. The Division does not waive any further enforcement action by issuance of this
19 compliance order.
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5-15-2015
Date


Carl L. Carlucci, P.E.
Supervising Sanitary Engineer
Central California Section
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Certified Mail No. 7014 3490 0001 7868 9603

CLC/TAW/CNK

Attachments:

- Attachment A: Applicable Authorities
- Attachment B: Public Notification Form
- Attachment C: Proof of Notification Form
- Attachment D: Quarterly Progress Report Form



Applicable Authorities

Violation of Maximum Contaminant Levels of

Disinfectant Byproducts

California Health and Safety Code, Section 116655, states in relevant part:

- (a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:
 - (1) Directing compliance forthwith.
 - (2) Directing compliance in accordance with a time schedule set by the department.
 - (3) Directing that appropriate preventive action be taken in the case of a threatened violation.
- (b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:
 - (1) That the existing plant, works, or system be repaired, altered, or added to.
 - (2) That purification or treatment works be installed.
 - (3) That the source of the water supply be changed.
 - (4) That no additional service connection be made to the system.
 - (5) That the water supply, the plant, or the system be monitored.
 - (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

Title 22, CCR Section 64533 (hereafter “Section 64533”) states in relevant part:

§64533. Maximum Contaminant Levels for Disinfection Byproducts.

- (a) Using the monitoring and calculation methods specified in sections 64534, 64534.2, 64535, and 64535.2, the primary MCLs for the disinfection byproducts shown in table 64533-A shall not be exceeded in drinking water supplied to the public.

Table 64533-A
Maximum Contaminant Levels and Detection Limits for Purposes of Reporting
Disinfection Byproducts

Disinfection Byproduct	Maximum Contaminant Level (mg/L)	Detection Limit for Purposes of Reporting (mg/L)
Total trihalomethanes (TTHM)	0.080	
Bromodichloromethane		0.0010
Bromoform		0.0010
Chloroform		0.0010
Dibromochloromethane		0.0010
Disinfection Byproduct	Maximum Contaminant Level (mg/L)	Detection Limit for Purposes of Reporting (mg/L)
Haloacetic acids (five) (HAA5)	0.060	
Monochloroacetic Acid		0.0020
Dichloroacetic Acid		0.0010
Trichloroacetic Acid		0.0010
Monobromoacetic Acid		0.0010
Dibromoacetic Acid		0.0010
Bromate	0.010	0.0050 0.0010 ¹
Chlorite	1.0	0.020

¹ For analysis performed using EPA Method 317.0 Revision 2.0, 321.8, or 326.0

Title 22, CCR Section 64534.2 (hereafter “Section 64534.2”) states in relevant part:

§64534.2. Disinfection Byproducts Monitoring

...

(d) By the applicable date specified in section 64530(d), and in lieu of TTHM and HAA5 monitoring in subsection (a):

(1) Community and nontransient noncommunity water systems shall monitor for TTHM and HAA5 at the frequencies and location totals indicated in table 64534.2-C and in accordance with the monitoring plan developed pursuant to section 64534.8;

Table 64534.2-C
Routine Monitoring Frequency for TTHM and HAA5

		<i>Minimum monitoring frequency¹</i>	
<i>Source water type</i>	<i>Persons served</i>	<i>Number of distribution system monitoring locations</i>	<i>Monitoring period²</i>
Systems using approved surface water	≥5,000,000	20 dual sample sets	per quarter
	1,000,000 – 4,999,999	16 dual sample sets	per quarter
	250,000 – 999,999	12 dual sample sets	per quarter
	50,000 – 249,999	8 dual sample sets	per quarter
	10,000 – 49,999	4 dual sample sets	per quarter
	3,301 – 9,999	2 dual sample sets	per quarter
	500 – 3,300	1 TTHM and 1 HAA5 sample: one at the location with the highest TTHM measurement, one at the location with the highest HAA5 measurement	per quarter
	<500	1 TTHM and 1 HAA5 sample: one at the location with the highest TTHM measurement, one at the location with the highest HAA5 measurement ³	per year
Systems using ground water not under direct influence of surface water	≥500,000	8 dual sample sets	per quarter
	100,000 – 499,999	6 dual sample sets	per quarter
	10,000 – 99,999	4 dual sample sets	per quarter
	500 – 9,999	2 dual sample sets	per year
	<500	1 TTHM and 1 HAA5 sample: one at the location with the highest TTHM measurement, one at the location with the highest HAA5 measurement ³	per year

¹ All systems shall monitor during the month of highest disinfection byproduct concentrations.

² Systems on quarterly monitoring shall take dual sample sets every 90 days at each monitoring location, except for systems using approved surface water and serving 500 – 3,300 persons.

³ Only one location with a dual sample set per monitoring period is needed if highest TTHM and HAA5 concentrations occur at the same location and month.

...

(6) If the operational evaluation level (OEL) exceeds 0.080 mg/L for TTHM or 0.060 mg/L for HAA5 at any monitoring location, systems shall conduct an operational evaluation. The operational evaluation shall include the examination of system treatment and distribution operational practices, including storage tank operations, excess storage capacity, distribution

system flushing, changes in sources or source water quality, and treatment changes or problems that may contribute to TTHM and HAA5 formation and what steps could be considered to minimize future exceedances. Systems that are able to identify the cause of the OEL exceedance may submit a written request to the Department to limit the scope of the evaluation. The request to limit the scope of the evaluation shall not extend the schedule in section 64537(c) for submitting the written report to the Department;

Title 22, CCR Section 64535.2 (hereafter “Section 64535.2”) states in relevant part:

§64535.2. Determining Disinfection Byproducts Compliance

...

(e) TTHM and HAA5 MCL compliance, as monitored pursuant to section 64534.2(d), shall be determined as follows:

(1) For systems monitoring quarterly, each locational running annual average (LRAA), computed quarterly, shall not exceed the MCLs specified in section 64533;

...

(4) If the LRAA exceeds the MCL, calculated based on four consecutive quarters of monitoring (or the LRAA calculated based on fewer than four quarters of data if the MCL would be exceeded regardless of the monitoring results of subsequent quarters), the system is in violation of the MCL and shall notify the public pursuant to sections 64463, 64463.4, and 64465, including the language in appendix 64465-G, in addition to reporting to the Department pursuant to sections 64537 through 64537.6.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

**The Paramount Farms – King Facility has levels of Disinfection Byproducts
Above Drinking Water Standards**

Our water system recently failed a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Testing results we received on _____ show that our system exceeds the standard, or maximum contaminant level (MCL), for Total Trihalomethanes. The MCL standard for Total Trihalomethanes is .080 mg/L. The average level of Total Trihalomethanes over the last year at each site is listed below:

What should I do?

- **You do not need to use an alternative (e.g. , bottled) water supply.**
- This is not an immediate risk. If it had been, you would have been notified immediately. However, *some people who use water containing trihalomethanes in excess of the MCL over many years may experience liver, kidney, or central nervous system problems, and may have an increased risk of getting cancer.*
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What was done?

[Describe corrective action] _____

We anticipate resolving the problem within _____.

For more information, please contact [name] _____ at [phone number] _____ or
at the following mailing address:

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by the Paramount Farms – King Facility water system.

State Water System ID#: 1503275.

Date distributed: _____.

Certification of Completion of Public Notification

This form, when completed and returned to the Division of Drinking Water - Visalia District (265 W. Bullard Ave. #101, Fresno, CA 93704 or fax to 559-447-3304), serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

Public Water System Name: Paramount Farms – King Facility

Public Water System No.: 1503275

Public notification for failure to comply with the **TTHM MCL and/or HAA5 MCL** was conducted on:

(Circle one): **1st** **2nd** **3rd** **4th** quarter of _____ (year).

Notification was made on _____ (date).

To summarize report delivery used and good-faith efforts taken, please check all items below that apply and fill-in where appropriate:

☐ The notice was distributed by mail or direct delivery to each customer on: _____

One or more of the following methods were used to reach persons not likely to be reached by a mailing or direct delivery (renters, nursing home patients, prison inmates, etc.):

☐ Posted the notice at the following conspicuous locations served by the water system. (If needed, please attach a list of locations). _____

☐ Publication of the notice in a local newspaper or newsletter of general circulation (attach a copy of the published notice, including name of newspaper and date published).

☐ Posted the notice on the Internet at www. _____

☐ Other method used to notify customers. _____

I hereby certify that the above information is factual.

Certified by: Printed Name _____

Signature _____

Title _____

Date _____

DISCLOSURE: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Due to the Division of Drinking Water within 10 days of notification to the public
TTHM MCL Exceedance / Enforcement Action No.: 03-12-15R-006

Quarterly Progress Report

Water System:	Paramount Farms – King Facility	Water System No.:	1503275
Compliance Order No.:	03-12-15R-006	Violation:	TTHM Exceedance
Calendar Quarter:	Date Prepared:		

This form should be prepared and signed by Water System personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division of Drinking Water, Fresno District Office.

Summary of Compliance Plan:

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Tasks completed in the reporting quarter:

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Tasks remaining to complete:

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Anticipate compliance date:

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Name

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Title

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Signature

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Date